more compact, suggestive, and accurate exposition of a great legal system of modern times. Of clear condensed expression we have many examples, namely, in the sections and paragraphs entitled, the historical evolution of the German Civil Law, p. 114, three kinds of collision of conflicting legal standards, p. 71, the rights of personality, a suggestive phrase, p. 125. The style is direct and sure in tone with a straightforwardness which leaves no doubt in the reader's mind of the author's own views on the points made. The suggestive character of the work is found in a number of well-turned definitions, such as: "Legislation is a declaration of the dominant social organism by which a legal standard is created or imposed," p. 80, and in the notes which direct the scholar to valuable fields of investigation. In fact any investigator of a point of German law may well turn first to Gareis for a starting point without fear of being led into unprofitable labors. The references to sections of the German Code abound, and a partial test by verifying a number of them at random reveals no inaccuracy.

There are three ways of approaching the law, or three schools of jurists, the analytical, the historical, and the ethical or philosophical. The analytical jurist thinks of law as the product of a determinate human will. The historical and philosophical schools agree that law is found not made, differing with respect to what is found; the historical jurist finding law in a rule of action founded on the experience of mankind in the past, the philosophical finding law in those rules which fit ideally the needs of society. In England the works on jurisprudence are primarily analytical; while in Germany emphasis is laid more on the historical and philosophical side, methods which Gareis chiefly employs, and, indeed, has further developed in this edition. Yet in many places in the book there is a distinctly Austinian tinge, such as on p. 75: "the authority of the state, however, lends to all of these rules the character of legal rules;" and again on pp. 29, 37 and 74. He ends his discussion of customary law by saying: "The authority of customary law as a legal standard is due, however, only to the dominant social organism," p. 79. And again: "The claims of justice are not law in themselves, even though the legal sentiment of a whole people would annex them and seek to discover in them the ideal of the development of law," p. 48. "Justice or equity of itself lacks external authority," p. 48. In fact the book shows many indications of the modern tendency of the Germans to throw off the burden under which they have labored for years of "*Nicht positivisches recht.*" An inability to appreciate Bentham and Austin, a notion that there may be doctrines in the community not enforced by the courts which may yet be law, have hampered German jurists in clear thinking and in arrival at sound results. These happily have not been the inclination of recent writers,[2] and Gareis promotes this new turn of thought.

The work of the translator seems well done. The English is idiomatic, yet the translation faithful. There is a valuable introduction by Professor Roscoe Pound stating the relation of the book to German and English legal thought.

J. W.

COMMENTARIES ON THE LAW OF MUNICIPAL CORPORATIONS. By John F. Dillon. Fifth edition. In five volumes. Boston: Little, Brown and Company. 1911. pp. lxi, 778; xiii, 774; xii, 755; xiii, 755; iv, 738.

In this Fifth Edition of his Municipal Corporations Judge Dillon completes the structure of this monumental work. He need have no fear that anyone will charge him with an author's vanity by reason of the justifiable satisfaction he feels in its wonderful success. He lets us know in his delightful preface how the original book was written; and we can well understand why it was that

[2] 25 HARV. L. REV. 144, 145.

his book has had such great influence on the making of the law of municipal corporations. Beginning with Vol. 1 of the State of Maine, he went through the successive reports of that state; and in like manner he went through page by page the reports of every one of the states and of the federal and English courts. Dillon on Municipal Corporations is, therefore, proof positive of the fundamental theory of the common law that from all the precedents one may get the whole truth about things as they are — and, indeed, a strong impression as to how things ought to be. This is the fifth edition, which the profession has demanded so as to have an authoritative exposition of the continued growth of this department of the law. There is, therefore, no necessity for any extended review of the main portion of this great treatise. It need simply be noted that in the rewriting of the standard sections the amount of matter has been greatly increased and the list of cases cited has been startlingly lengthened. Many entirely new chapters have been added by Judge Dillon in this edition, such as those upon Public Utilities and Municipal Indebtedness; and there are new subjects worked into the old chapters, such as Self-government and Civil Service. This reviewer has only examined with care the new chapter upon Public Utilities. He has been impressed in reading that chapter with the great skill of the eminent writer in working out the fundamental principles of this new system of law from the comparatively few authorities at his disposal. The work in this chapter is comparable to that which the author had to do on the whole subject in the original edition when he created a law of municipal corporations out of the then comparatively few cases dealing with the subject. It is plain that Judge Dillon still has not merely the genius in taking pains in collecting his material, but the ability to make it into a practical system. One might wish that in all departments of law we had as authoritative texts as Dillon on Municipal Corporations; but it is, perhaps, just as well that we have not. If this were so, we might be tempted to give over our study of precedents in every new matter which arises, and rely upon the standard text on that subject. If we should once change our attitude towards the study of precedents, we should get no more texts like Dillon on Municipal Corporations. B. W.

NEW CODE OF INTERNATIONAL LAW. By Jerome Internoscia. New York: The International Code Company. 1910. pp. lxvi, 1003.

This volume covers both International Law and Conflict of Laws. It anticipates the time when the nations of the whole world will be united, at least to the extent of having an international tribunal, and, in the language of the author, it is "a complete body of rules that would answer the needs of all nations, if only they would unite to revise and then adopt it as an 'International Code.'" As the existing law on international matters is not fully adapted to an ideal time of union and peace, the author necessarily creates a great part of the doctrines which he here weaves into his suggested system; but he estimates that only about one-third of his work is really new. There is no typographical distinction between what is conceded to be a novelty and what is conceived to be a statement of existent practice. Consequently it is impossible to use the volume as an aid in ascertaining what doctrines are now recognized or to test the author's accuracy. All that can be said is that the author's point of view is humanitarian to the last degree, that the scope of his volume is adequate, that the arrangement is appropriate, and that the language is usually clear. On each page the text is given in three languages, — English, French, and Italian. The practical utility of the volume seems to be slight, for even a future legislator as to the subject-matter here covered will need books more obviously connected with law as it is, and hence will prefer such codifications as those of Field, Bluntschli, and Fiore.